Single Bench

IN THE HIGH COURT OF JUDICATURE, CHHATISGARH AT BILASUR.

WRIT PETITION NO. 4987 OF 2004.

PETITTIONER.

MUKESH KUMAR SAXENA,
S/O LATE B.S. SAXENA,
AGED ABOUT 38 YEARS,
R/0 QTR. NO. g-5,
IRRIGATION COLONY,
RAIPUR ROAD,
BILASPUR.
C.G. STATE.

P.R. 7335/04
Presented by Shri K.R. Dewangan
dated 06/11/04

VERSUS

RESPONDENTS.

1). STATE OF CHHATISGARH
THRU SECRETARY,
WATER RESOURCES DEPARTMENT,
GOVT. OF C.G.
DKS BHAWAN,
RAIPUR.

6.11.04

2) CHIEF ENGINEER,
WATER RESOURCES DEPTT.,
HASDEO KACHAR PROEJCT,
BILASPUR.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT(S) / ORDER(S) / DIRECTION(S), ETC.

(24)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.4987 OF 2004

Petitioner : Mukesh Kumar Saxena

Versus

Respondents : State of Chhattisgarh and another

Present : Mr. K.R.Nair, counsel for the petitioner.
Mr. Utkarsh Verma, Deputy Government Advocate for the State/respondents.

ORDER

(Passed on 22nd Day of February, 2007)

The petitioner, while working as Assistant Grade-II in the office of the Chief Engineer, Hasdeo Kachhar Division of the Water Resources Department at Bilaspur, has been transferred to the Water Conservation Division of the same department at Bilaspur, vide order dated 18-10-2004 (P-1).

2. No stay order was granted by this Court in this matter. The transfer order must have been executed by the respondents.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to

pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal